

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUSTAVO BERMUDEZ,

:
Plaintiff, : 07 Civ. 9537 (HB)
: Notice of Motion To Dismiss

v.
:
CITY OF NEW YORK POLICE
DEPARTMENT AND THE UNITED
STATES DRUG ENFORCEMENT
ADMINISTRATION,
:
Defendants. :
-----x

PLEASE TAKE NOTICE that, upon the accompanying
Memorandum of Law, and upon the Declaration of John Hieronymous
and all exhibits attached thereto, the United States Drug
Enforcement Administration, by and through its attorney, Michael
J. Garcia, United States Attorney for the Southern District of
New York, Sharon E. Frase, Assistant United States Attorney, of
counsel, hereby moves before the Honorable Harold Baer, Jr.,

United States District Judge, to dismiss the above-captioned complaint.

Dated: New York, New York
February 5, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
United States of America

By:

Sharon E. Frase (SEF-4906)
Assistant United States Attorney
One St. Andrews Plaza
New York, New York 10007
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CERTIFICATE OF SERVICE

I, Sharon E. Frase, depose and say that I am employed in the Office of the United States Attorney for the Southern District of New York.

That on February 5, 2008, I served one copy of the within Government's Motion To Dismiss, by placing copies of the same in envelopes addressed to:

Karen L. Mayer, Esq.
Philip Russell, LLC
66 Field Point Road
Greenwich, CT 06830
(203) 661-4200

David M. Hazan
Assistant Corporation Counsel
The City of New York Law Department
100 Church Street
New York, NY 10007
(212) 788-8084

And that I sealed said envelopes and caused them to be placed in a mailbox for certified mailing and/or pick up at the United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

I declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

_____/s/_____

Sharon E. Frase
Assistant United States Attorney
Tel: (212) 637-2329

Dated: New York, New York
February 5, 2008